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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
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DOC #:
DATE FILED: 9/3/08

SYNERGETICS USA, INC.,

Plaintiff

v.

ALCON LABORATORIES, INC. and ALCON, INC.,

Defendants.

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) 08-Civ-3669 (DLC)
)
) STIPULATION AND ORDER
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IT IS HEREBY STIPULATED AND AGREED by and between the undersigned counsel for the parties:

1. Defendants Alcon Laboratories, Inc. and Alcon, Inc. ("Alcon") hereby consent to the filing of the First Amended Complaint, annexed hereto as Exhibit A.
2. Plaintiff Synergetics USA, Inc. shall file the First Amended Complaint no later than August 29, 2008.
3. Alcon shall have until October 13, 2008, to answer, move or otherwise respond to the First Amended Complaint.
4. Alcon's consent to the filing of the First Amended Complaint and entry into this stipulation shall not be considered agreement that the First Amended Complaint has merit.

Dated: New York, New York
August 28, 2008

So ordered.
Gemma Cole
Sept. 3, 2008

HANLY CONROY BIERSTEIN SHERIDAN
FISHER & HAYES LLP

By: Paul J. Hanly, Jr. /TS/
Paul J. Hanly, Jr.
Andrea Bierstein
112 Madison Avenue, 7th Floor
New York, New York 10016
Tel. 212.784.6401
phanly@hanlyconroy.com
abierstein@hanlyconroy.com
Counsel for Plaintiff Synergetics,
USA, Inc.

MORGAN, LEWIS & BOCKIUS LLP

By: Harry T. Robins
(By Permission)
Harry T. Robins
J. Gordon Cooney
101 Park Avenue
New York, New York 10178
Tel. 212.309.6728
hrobins@morganlewis.com
jgcooney@morganlewis.com
Counsel for Defendants
Alcon Laboratories, Inc. and
Alcon, Inc.

SO ORDERED:

U.S.D.J. 